

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY DUFOUR, et al.,

No. C 09-3770 CRB

Plaintiffs,

**ORDER CLARIFYING THIS
COURT'S SEPTEMBER 2, 2011
ORDER COMPELLING
ARBITRATION**

v.

BE LLC et al.,

Defendants.

Defendant Monterey Financial Services, Inc. ("Monterey") has moved to clarify the portion of this Court's September 2, 2011, order (dkt. 158) regarding fee shifting. Monterey argues that this Court stated during the hearing that neither Plaintiffs nor Defendants should be assessed fees under public interest statutes such as the UCL, CLRA, and CCRAA, yet the Order says that only Plaintiffs should not be assessed fees. See Mot. (dkt. 171). Plaintiffs disagree.

The Court's Order was intended to sever the applicability of the arbitration agreement's fee shifting provision as applied to claims under public interest statutes.

//

//

//

//

1 Accordingly, as to claims under the public interest statutes, each side is entitled to whatever
2 fees they would be entitled to in the absence of the fee-shifting provision.

3 **IT IS SO ORDERED.**

4
5 Dated: December 13, 2012


6 CHARLES R. BREYER
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28